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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,185	12/31/2001	Lee E. Cannon	5062US (01-01-086-02)	7205

7590 12/22/2004

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EXAMINER

COBURN, CORBETT B

ART UNIT	PAPER NUMBER
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3714

DATE MAILED: 12/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## DETAILED ACTION

### *Election/Restrictions*

1. The amendment filed on 13 April 2004 canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention because there is a significant change in scope between the inventions.

Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

2. Applicant argues that there has been no shift in scope. Applicant points out that both the canceled claims and the new claims involve gaming machines. Yet this does not preclude a change in scope.

3. In claims 1-19, the claims are directed to a method of playing a gaming machine. In claims 45-54, the claims are directed to a method of operating gaming machines by the casino. This is a change in scope. If Applicant intends to argue that claims 45-54 are not patentably distinct from the previous claims 1-19, then Applicant must so state – in which case the previous rejection stands. If Applicant contends that the claims 45-54 are patentably distinct from previous claims 1-19, then restriction is proper.

4. In claims 55-88, Applicant appears to be describing a gambling game – there are limitations directed to wagering. Previous claims 20-44 are not directed to wagering games.

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Again, this is a significant change in scope. If Applicant intends to argue that claims 55-88 are not patentably distinct from the previous claims 20-44, then Applicant must so state – in which case the previous rejection stands. If Applicant contends that the claims 55-88 are patentably distinct from previous claims 20-44, then restriction is proper.

5. Note that in order to be responsive, the reply must include at least one claim drawn to the previously presented invention. Furthermore, Applicant must explain, with reference to the limitations in the claims, why each and every new claim is patentable over the prior art. Applicant has failed in both respects.

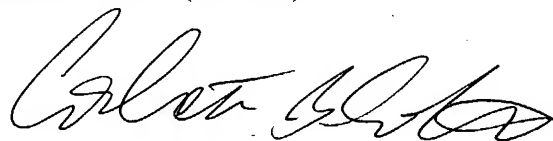
6. The reply filed on 16 August 2004 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): See above. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corbett B. Coburn whose telephone number is (571) 272-4447. The examiner can normally be reached on 8-5:30, Monday-Friday, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on (571) 272-4419. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Corbett B. Coburn  
Examiner  
Art Unit 3714

cbc